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15 UNITED STATES DISTRICT COURT
16 DISTRICT OF NEVADA, SOUTHERN DIVISION
17

18
19 In re MGM MIRAGE SECURITIES
LITIGATION

No. 2:09-cv-01558-GMN-VCF

CLASS ACTION

JOINT STIPULATION AND
ORDER TO HOLD DECISION ON CLASS
CERTIFICATION MOTION IN ABEYANCE
PENDING MEDIATION

23 Judge: Hon. Judge Navarro
24 Judge: Hon. Magistrate Judge Ferenbach
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1 Lead Plaintiffs¹ and Defendants² (together, the “Parties”), by and through counsel, hereby
 2 stipulate to request that the Court hold its decision on Plaintiffs’ Motion for Class Certification
 3 (Dkt. No. 283) in abeyance for at least an additional 30 days, as set forth below.

4 **A. Background on Motion for Class Certification**

5 Plaintiffs filed their Motion for Class Certification (Dkt No. 283) on November 12, 2014.
 6 Defendants filed their Opposition to Plaintiffs’ Motion for Class Certification (Dkt. No. 303) on
 7 February 2, 2015. Plaintiffs filed their Reply in Support of their Motion for Class Certification
 8 (Dkt No. 319) on April 2, 2015. The Court heard oral argument on Plaintiffs’ Motion for Class
 9 Certification on April 21, 2015 and took the motion under submission.

10 **B. Reasons for Requested Relief**

11 On May 13, 2015, the Parties participated in a mediation of this matter before the
 12 Honorable Judge Layn R. Phillips, former United States District Judge for the Western District of
 13 Oklahoma. Following that mediation session, Judge Phillips recommended a second mediation
 14 session. In the interim, Judge Phillips recommended that the Parties agree to a 40-day stand down
 15 of the litigation to preserve insurance proceeds and that the Parties jointly request that the Court
 16 extend all of the current deadlines in the Scheduling Order by 40 days. Judge Phillips also
 17 recommended that the Parties agree to jointly request that the Court hold its decision on Plaintiffs’
 18 Motion for Class Certification (Dkt. No. 283) in abeyance until at least the expiration of the 40-
 19 day stand down. The Parties submitted a stipulation on May 19, 2015 to effectuate Judge Phillips’
 20 recommendation with respect to a decision on Plaintiffs’ class certification motion (Dkt. No. 339)
 21 and the Court signed that stipulation on May 21, 2015 (Dkt. No. 342).

22 On June 10, 2015, the parties participated in a second mediation session before Judge
 23 Phillips and since June 10, Judge Phillips has continued to assist the Parties with settlement

24
 25 ¹ “Lead Plaintiffs” refers to Arkansas Teacher Retirement System, Philadelphia Board of
 26 Pensions and Retirement, Luzerne County Retirement System, and Stichting Pensioenfond
 Metaal en Techniek.

27 ² “Defendants” refers to MGM Resorts International (“MGM”), James J. Murren, Daniel J.
 28 D’Arrigo, Robert C. Baldwin, and Deborah Hower Lanni, as Co-Executor of the Estate of J.
 Terrence Lanni.

1 negotiations. Judge Phillips has now again recommended that the Parties jointly request that the
2 Court hold its decision on Plaintiffs' Motion for Class Certification (Dkt. No. 283) in abeyance
3 until at least another 30 days and to extend all of the current deadlines in the Scheduling Order by
4 30 days.³ The Parties have accepted that recommendation and therefore submit this stipulation.

5 ***IT IS ACCORDINGLY STIPULATED***, by and between the undersigned counsel for the
6 Parties, that the Parties jointly request that the Court hold its decision on Plaintiffs' Motion for
7 Class Certification (Dkt. No. 283) in abeyance and not issue, file, or publish any decision on that
8 motion for at least 30 days – *i.e.*, until at least July 29, 2015.

9 DATED: June 29, 2015

Respectfully submitted,

10 NIX, PATTERSON & ROACH, LLP

11
12 /s/ Jeffrey J. Angelovich

13 JEFFREY J. ANGELOVICH

14 *On behalf of Lead Counsel for Plaintiffs*, including
15 KESSLER TOPAZ MELTZER & CHECK LLP
16 and ROBBINS GELLER RUDMAN & DOWD
LLP

17 DATED: June 29, 2015

PISANELLI BICE, PLLC
MUNGER, TOLLES & OLSON LLP

18
19 /s/ George M. Garvey

20 GEORGE M. GARVEY

21 Attorneys for Defendant
22 MGM RESORTS INTERNATIONAL

23 DATED: June 29, 2015

MORRIS LAW GROUP
IRELL & MANELLA LLP

24
25 /s/ Glenn K. Vanzura

26 GLENN K. VANZURA

27 ³ The Parties have submitted a separate stipulation to Magistrate Judge Ferenbach to address the
28 scheduling issues recommended by Judge Phillips.

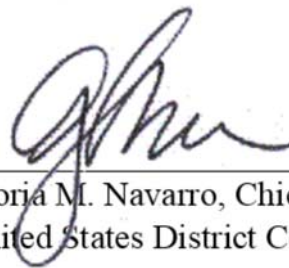
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ROBERT C. BALDWIN, and DEBORAH
HOWER LANNI, AS CO-EXECUTOR OF THE
ESTATE OF J. TERRENCE LANNI

Order

IT IS SO ORDERED, this 7th day of July, 2015, that the Court will hold its decision on Plaintiffs' Motion for Class Certification (Dkt. No. 283) in abeyance and not issue, file, or publish any decision for at least 30 days – *i.e.*, until at least July 29, 2015.

DATED this 7th day of July, 2015.



Gloria M. Navarro, Chief Judge
United States District Court

1 I, Benjamin J. Maro, am the ECF User whose ID and password are being used to file this
2 Joint Stipulation and [Proposed] Order to Hold Decision on Class Certification Motion In
3 Abeyance Pending Mediation. I hereby attest that Jeffrey J. Angelovich, Glenn K. Vanzura, and
4 George M. Garvey have concurred in this filing.

5
6 DATED: June 29, 2015

By: /s/ Benjamin J. Maro
Benjamin J. Maro

CERTIFICATE OF SERVICE

I hereby certify that on June 29, 2015, I authorized the electronic filing of the foregoing with the Clerk of the Court using the CM/ECF system, which will send e-mail notification of such filing to all registered parties. I further certify that the foregoing document will be mailed via the United States Postal Service to the non-CM/ECF participants indicated on the attached Manual Notice List. I certify under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

DATED: June 29, 2015

PISANELLI BICE, PLLC
MUNGER, TOLLES & OLSON LLP

By: /s/ Benjamin J. Maro

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